



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/579,670	05/26/2000	Miles Aram de Forest	DG-663

Gary D Clapp Esq  
 66 Blanford Place  
 Bedford, NH 03110

CONFIRMATION NO. 3652

ABANDONMENT/TERMINATION  
LETTER

\*OC000000008007689\*

Date Mailed: 05/02/2002

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/04/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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 MAY 21 2002  
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The stamp of the PTO indicates receipt by First Class Mail with Mailing Certificate dated September 29, 2000 of a Response to Notice of Missing Parts and an Assignment Recordal In Re Patent Application:

Inventor: Miles A. De Forest et al.

Serial No.: 09/579,670

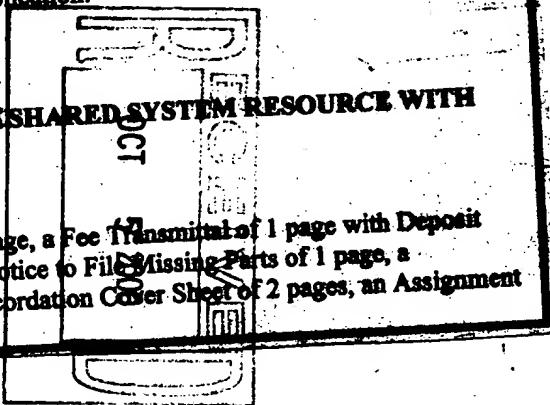
Filed: May 26, 2000

For: FAULT TOLERANT SYSTEM SHARING SYSTEM RESOURCE WITH  
STATE MACHINE LOGGING

Attorney Docket Number: DG-663

Enclosed Are:

3 copies of a Transmittal Form of 1 page, a Fee Transmittal of 1 page with Deposit  
Account Authorization, a copy of a Notice to File Missing Parts of 1 page, a  
Declaration and Oath of 1 page, a Recordation Cover Sheet of 2 pages, an Assignment  
of 2 pages, and a Return Postcard.





The stamp of the PTO indicates receipt by First Class Mail with Mailing Certificate dated September 29, 2000 of a Response to Notice of Missing Parts and an Assignment Recordal In Re Patent Application.

Inventor: Miles A. De Forest et al.

Serial No.: 09/579,670

Filed: May 26, 2000

For: FAULT TOLERANT SYSTEM SHARED SYSTEM RESOURCE WITH  
STATE MACHINE LOGGING

Attorney Docket Number: DG-663

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3 copies of a Transmittal Form of 1 page, a Fee Transmittal of 1 page with Deposit Account Authorization, a copy of a Notice to File Missing Parts of 1 page, a Declaration and Oath of 1 page, a Recordation Cover Sheet of 2 pages, an Assignment of 2 pages, and a Return Postcard.

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Please type a plus sign (+) Inside this box → Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

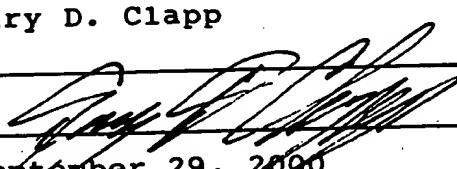
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/579,670
		Filing Date	May 26, 2000
		First Named Inventor	De Forest, Miles A.
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	11	Attorney Docket Number	DG-663

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Postcard Copy of Notice of Missing Parts
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Gary D. Clapp		
Signature			
Date	September 29, 2000		

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name	Gary D. Clapp		
Signature		Date	Sept. 29, 2000

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## FORMALITIES LETTER

• OC00000005298236\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/579,670

05/26/2000

Miles Aram de Forest

DG-663

Gary D Clapp Esq  
66 Blanford Place  
Bedford, NH 03110



Date Mailed: 08/04/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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## ASSIGNMENT

WHEREAS, We Miles Aram de Forest and Earle Trounson MacHardy Jr., have invented certain new and useful improvements in

FAULT TOLERANT SYSTEM SHARED SYSTEM RESOURCE WITH STATE MACHINE LOGGING which are described and claimed in Application Serial Number 09/579,670 filed on May 26, 2000 for United States Letters Patent in respect of which a Declaration and Power of Attorney is executed on even date herewith.

WHEREAS, EMC CORPORATION, a corporation organized and existing under and by virtue of the laws of the Commonwealth of Massachusetts, and having its principal place of business at 171 South Street, Hopkinton, Massachusetts, is desirous of acquiring the entire interest in and to said invention, said Application and the Letters Patent to be obtained therefor.

NOW, THEREFORE, for good and valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, WE have sold, assigned, and set over, and by these presents do hereby sell, assign and set over to the said EMC CORPORATION, and said assignee's legal representatives, successors, and assigns, the entire right, title and interest in and to said invention, said Application and the Letters Patent, both foreign and domestic, that may or shall issue thereon including the right to claim in respect of any subsequent corresponding foreign patent applications and patents, the priority date of the said application under any international treaty; and WE do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above identified assignee in agreement with the terms of this Agreement.

UPON SAID CONSIDERATION, WE do hereby covenant and agree with the said assignee that WE will not execute any writing or do any act whatsoever conflicting with these presents, and that WE will at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of all parties hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 20<sup>th</sup> day of September 2000

Name: Miles Aram De Forest

Seal: Miles Aram de Forest -

United States of America

~~Commonwealth of Massachusetts~~ STATE of NORTH CAROLINA

County of Worcester

On this 20<sup>th</sup> day of September 2000, before me personally appeared Miles Aram de Forest, to me proved to be the person described in the foregoing Assignment, who acknowledged that he executed the foregoing Assignment of his own free will for the purposes therein set forth.

Julie S. Ostermeyer  
Notary Public

My Commission Expires 2-1-2001

Earle Trounson MacHardy Jr.  
Earle J. MacHardy Jr.

Earle  
Name: Earle Trounson MacHardy, Jr.

Seal: Earle J. MacHardy Jr.

United States of America  
Commonwealth of Massachusetts State of North Carolina  
County of Worcester Wake

On this 12th day of SEPTEMBER 2000, before me personally appeared Earle Trounson MacHardy Jr., to me proved to be the person described in the foregoing Assignment, who acknowledged that he executed the foregoing Assignment of his own free will for the purposes therein set forth.

Julie S. Ostermeyer  
Notary Public

My Commission Expires 2-2-2003

PATENT

PTO

JC11

MAY 16 2002

PATENT

PTO

JC11

## RECORDATION FORM COVER SHEET PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

### Submission Type

New  
 Resubmission (Non-Recordation)  
 Document ID#   
 Correction of PTO Error  
Reel #  Frame #   
 Corrective Document  
Reel #  Frame #

### Conveyance Type

Assignment  Security Agreement  
 License  Change of Name  
 Merger  Other   
**U.S. Government**  
(For Use ONLY by U.S. Government Agencies)  
 Departmental File  Secret File

### Conveying Party(ies)

Name (line 1)  De Forest, Miles Aram

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
09202000

Name (line 2)

Execution Date  
Month Day Year  
09122000

### Second Party

Name (line 1)  MacHardy, Earle Trounson, Jr.

Name (line 2)

### Receiving Party

Name (line 1)  EMC Corporation

Name (line 2)

Mark if additional names of receiving parties attached

If document to be recorded  
is an assignment and the  
receiving party is not  
domiciled in the United  
States, an appointment  
of a domestic  
representative is attached.  
(Designation must be a  
separate document from  
Assignment.)

Address (line 1)  171 South Street

Address (line 2)

Address (line 3)  Hopkinton  MA  01748  
City State/Country Zip Code

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Enter for the first Receiving Party only.

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address

Area Code and Telephone Number **603-472-2957**

Name **Gary D. Clapp**

Address (line 1) **66 Blanford Place**

Address (line 2) **Bedford, NH 03110**

Address (line 3)

Address (line 4)

*O I P E*  
MAY 16 2002  
U. S. PATENT & TRADEMARK OFFICE

Pages **Enter the total number of pages of the attached conveyance document including any attachments.** # **2**

Application Number(s) or Patent Number(s)

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

09579670

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month **Day** **Year**

Patent Cooperation Treaty (PCT)

Enter PCT application number

PCT  PCT  PCT

only if a U.S. Application Number **PCT**  **PCT**  **PCT**

has not been assigned.

Number of Properties

Enter the total number of properties involved. # **1**

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ **40**

Method of Payment:

Enclosed  Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # **05-0889**

Authorization to charge additional fees: Yes  No

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

**Gary D. Clapp**

Name of Person Signing

Signature

Sept. 29, 2000

Date

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